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5 Attorney for Defendant,  
6 SERAFIN RODRIGUEZ MENDOZA  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA, FRESNO

10 \* \* \* \* \*

11  
12 UNITED STATES OF AMERICA, ) Case No.: CR-F-05-0127 OWW  
13 Plaintiff, ) STIPULATION FOR CONTINUANCE AND  
14 vs. ) PROPOSED ORDER THEREIN  
15 SERAFIN RODRIGUEZ MENDOZA, )  
16 Defendant. )  
17

18 IT IS HEREBY STIPULATED between the Defendant, SERAFIN  
19 RODRIGUEZ MENDOZA, by and through his attorney of record, Anthony P.  
20 Capozzi, and Plaintiff, by and through Assistant United States  
21 Attorney, Virna Santos, that the Change of Plea Hearing now set for  
22 Monday, August 28, 2006, at 9:00 a.m. be continued to Tuesday,  
23 September 5, 2006, 2006 at 9:00 a.m.

24 It is further stipulated by the parties that any delay  
25 resulting from this continuance shall be excluded on the following  
basis:

- 27 1. Title 18, United States Code, Section 3161(h)(8)(A) --  
28 that the ends of justice served by taking such action

outweighs the best interest of the public and the defendant in a speedy trial;

2. Title 18, United States Code, Section 3161(h)(8)(ii) -- that it is unreasonable to expect adequate preparation for pre-trial proceedings or for the trial itself with the time limits established due to the complexity of the case.

Respectfully submitted,

Dated: August 22, 2006

/s/ Anthony P. Capozzi  
Anthony P. Capozzi,  
Attorney for Defendant,  
Serafin Rodriguez Mendoza

Dated: August 22, 2006

/s/ Virna Santos  
Virna Santos,  
Assistant U.S. Attorney

## **ORDER**

IT IS SO ORDERED. Good cause having been shown, the Change of Plea Hearing now set for August 28, 2006, be continued to Tuesday, September 5, 2006 at 9:00 a.m. Additionally, time shall be excluded by stipulation from the parties and pursuant to 18 USC §§ 3161(h)(A) and 3161(h)(B)(ii).

Dated: August 22\_\_\_\_, 2006

/s/Oliver W. Wanger  
Honorable Oliver W. Wanger,  
U.S. District Court Judge